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RUEHGV/USMISSION GENEVA 0714
RUEHVEN/USMISSION USOSCE 2685
RUCNDT/USMISSION USUN NEW YORK 2068
RUEHNO/USMISSION USNATO BRUSSELS BE
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C O N F I D E N T I A L SECTION 01 OF 03 BISHKEK 001184

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TAGS: [PGOV](#) [PREL](#) [KG](#)

SUBJECT: EARLY KYRGYZ REACTIONS TO NEW CONSTITUTION DRAFT

REF: A. BISHKEK 1170

[1B.](#) BISHKEK 1158
[1C.](#) BISHKEK 1130

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Classified By: Amb. Marie L. Yovanovitch, Reasons 1.4 (b) and (d).

[11.](#) (C) Summary: Kyrgyzstan will hold a national referendum October 21 on a "new edition" of the constitution. The draft text, which was released to the public September 20, calls for parliament to be elected entirely by party lists and appears to strengthen presidential control over the parliament, government, and local administrations. The presidential administration defended calling the referendum on short notice, saying that the people were demanding action. Prime Minister Atambayev said the referendum was a "necessary step," and he thought the draft was "positive." With dissolution of parliament the likely next move, members of parliament appear more focused on their political survival than on the details of the constitution. End Summary.

Administration Defends Referendum

[12.](#) (C) In a meeting with the Ambassador September 21, Presidential Chief of Staff Medet Sadyrkulov defended President Bakiev's decision to call a constitutional referendum on short notice, claiming that the people were demanding action on constitutional reform. Sadyrkulov said that the president's draft was based on the November, December, and Atambayev draft amendments. He said that Prime Minister Atambayev supported the president's draft, and claimed that the opposition was satisfied with the "balance of power" in the draft. Sadyrkulov said that the introduction of party lists would help stop the corruption and selling of votes in parliament, and having "national republican" parties would lessen the north-south divide in the country. Sadyrkulov said that the Central Election Commission was prepared to hold the referendum, and President

Bakiyev would meet September 22 with all of the "akims" (district administration heads) who had created an "initiative group" to support the president and the referendum.

13. (C) Sadyrkulov said the president did not want to dissolve parliament, but if parliament did not "behave," it would be dissolved, possibly before the referendum. Sadyrkulov referred to two letters from Constitutional Court Chair Bayekova to the president complaining of the "unconstitutional" actions of the parliament and asking the president to take action. Sadyrkulov also indicated that the president might act against the parliament if it failed to pass the budget. In any event, he said, the draft constitution contains no transitional provisions for the parliament, so following the referendum there would need to be new parliamentary elections.

Prime Minister Favors Draft

14. (C) In a meeting with the DCM September 21, Prime Minister Atambayev said that calling a referendum had been a "necessary step" and "a step forward." He said that the draft proposed was the best of several variations considered, including an "authoritarian" option that was discarded, and he disputed the view that the president's powers would increase greatly, noting that the draft "only added" the Interior Ministry to the president's control. Atambayev said that the December constitution had given too much power to the parliament, and a small group of deputies could block progress on a range of issues. Therefore, this draft was designed to "take parliament down a notch." Atambayev favored the party list system, and he thought that with the threshold set at 5%, 5 or 6 parties would make it into parliament. Atambayev expected a number of deputies to join

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his Social Democratic party, but he thought it was a big mistake for Bakiyev to give up his "neutral position" and announce his intention to form his own party.

MPs Focused on Politics

15. (C) Opposition MP Omurbek Tekebayev told the Ambassador September 21 that the proposed constitution would have the "worst" impact on the democratic process in Kyrgyzstan. Tekebayev acknowledged that the November and December versions had not been lawfully adopted, but he claimed that the president's version was not logical and contained numerous illegalities (though he also admitted he had not yet read the full draft). Tekebayev also believed that Bakiyev will gain full control of parliament after it is dissolved and new elections are held. He said that the president knows the opposition is unprepared and lacks the finances to compete in elections. Tekebayev anticipated that most political parties would not be able to pass the 5% threshold, but the White House was already making promises to throw votes to certain parties, paving the way for the president's supporters to win the majority of seats in parliament. Tekebayev thought that 70-80% of the population knows little to nothing about the various political parties and Bakiyev will use that to his advantage. He thought that the ethnic Uzbeks could assemble the most unified of any political groups in Kyrgyzstan.

16. (C) MP Alisher Sabirov, an ethnic Uzbek and head of the pro-Moscow Sodruzhestvo party, told the Ambassador September 21 that the current draft constitution represented only a "small change" from previous drafts, but it was a move toward "managed democracy." What was unfolding, he said, was the administration's "plan of action," launched in a burst of confidence following the successful SCO summit in August. With the constitutional referendum announced, the next step would be to dissolve parliament and call early elections.

Asked how this would be accomplished, Sabirov said there were several plans, including the possibility of self-dissolution.

Sabirov said he thought 5-6 parties would make it into a new parliament, with the president's new party gaining a majority of the seats. Sabirov was confident that his Sodruzhestvo party, which he described as "centrist, pro-presidential," would make it, as would the communists and an opposition bloc. He said that deputies were "in shock" over the surprise announcement of the referendum and concerned about how to preserve their seats, and some had approached him about joining Sodruzhestvo.

Comment

¶7. (C) To this point, reaction to the president's draft has been restrained, as constitutional experts are still analyzing the text. We expect to provide an analysis of the president's draft by the end of the week, but it is clear that the changes made increase the president's powers and decrease the power of other branches of government, including local governments.

¶8. (C) While there was a meeting of NGOs on September 23 that called for additional time for the parliament and the president to discuss the constitution before a referendum takes place, most parliamentary deputies are so busy gaming out how to make it onto the new party lists that will be key to gaining reelection that they are not putting any apparent effort into stopping the referendum.

¶9. (C) In a sign that the playbook is still being written, newly confirmed CEC Chair and presidential loyalist Klara Kabilova acknowledged today that the hastily called referendum violated the referendum law, and so "it was possible that the referendum may be postponed until October

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28 or November 1." The consensus view remains, however, that the referendum will proceed at some point, and the next step will be the dissolution of parliament and early parliamentary elections.

YOVANOVITCH